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REMARKS

This response is intended as a full and complete response to the final Office Action mailed March 10, 2005. In the Office Action, the Examiner notes that claims 1-12 are pending, of which claims 1-12 are rejected.

By this response, Applicants have amended claims 1 and 4-12, and cancelled claims 2-3.

In view of the following discussion, the Applicants submit that none of the claims now pending in the application are anticipated under the provisions of 35 U.S.C. §102. Thus, the Applicants believe that all of these claims are now in allowable form.

It is to be understood that the Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to the Applicants' subject matter recited in the pending claims. Further, the Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

REJECTIONS

35 U.S.C. §102

Claims 1-12

The Examiner has rejected claims 1-12 under 35 U.S.C. §102(e) as being unpatentable over Mandal (U.S. Patent 6,170,009, hereinafter "Mandal"). Applicants respectfully traverse the rejection. In response, The Applicants have amended claims 1 and 4-12 to more clearly recite aspects of the invention. Claims 2 and 3 have been cancelled without prejudice.

Amended independent claim 1 (independent claims 7, 8, 9 and 10, as amended, recite similar limitations as recited in claim 1) recites limitations not taught, shown or suggested by Mandal.

Mandal teaches using a network 108 to control apparatuses including devices 130 and 132, servers 118 and 120, clients 102, 104, and 106, and policy server 122 (col. 2, lines 50-57). The network 108 includes a backbone 114 coupled to access networks 110 and 112 and a server network 116. The backbone 114 and the access networks 110 and 112 are selectively coupled to the apparatuses listed above (col. 2,

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lines 58-65; FIG. 1). None of these apparatuses is a part of the backbone 114 or the network 108. As such, Mandal teaches using a network 108 to control apparatuses that, with respect to the network, are external devices and, specifically, are not the nodes of the backbone 114 or the network 108.

The Examiner's attention is directed to the fact that Mandal does not teach, show, or suggest a method for monitoring usage of resources allocated to nodes of backbone 114 or the network 108.

In contrast, the Applicants' invention discloses a method for monitoring usage of resources in a plurality of nodes of a network. In particular, independent claim 1 recites:

"A method for monitoring usage of resources allocated to a plurality of nodes of a network, comprising the steps of:

- (a) assigning to a node a parameter indicative of the usage of said resources;
- (b) reporting to a management station of the network when the usage exceeds a predetermined threshold; and
- (c) initiating a poll of resources of at least one other node from the plurality of nodes when said threshold is exceeded." (emphasis added)

Independent claims 7, 8, 9 and 10 are also amended accordingly and recite similar subject matter.

Support for the amendment can be found in Specification at FIG. 1 and page 7, lines 24-29.

In contrast, the alleged reference does not teach a method for monitoring usage of resources assigned to a node of the network, as recited in claims 1, 7, 8, 9 and 10.

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim" (Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 U.S.P.Q. 481, 485 (Fed. Cir. 1984)(citing Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 U.S.P.Q. 193 (Fed. Cir. 1983)) (emphasis added)). The Mandal reference fails to teach or suggest each and every element of the claimed invention, as arranged in the claims 1, 7, 8, 9 and 10. Therefore, Applicants contend that claims 1, 7, 8, 9 and 10 fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder.

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Furthermore, claims 4-6 and 11-12 depend, either directly or indirectly, from claims 1 and 8 and recite additional features therefor. Since Mandal would not produce Applicants' invention as recited in claims 1 and 8, dependent claims 4-6 and 11-12 are also not anticipated and fully satisfy the requirements under 35 U.S.C. §102 and are patentable thereunder.

Thus, the Applicants submit that independent claims 1, 7, 8, 9 and 10 and claims 4-6 and 11-12 depending therefrom are patentable over Mandal. Accordingly, the Applicants respectfully request the rejection be withdrawn.

CONCLUSION

Thus, the Applicants submit that all of the claims presently in the application, are not anticipated and are patentable under the provisions of 35 U.S.C. §102. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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